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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,229	08/27/2003	Chung-Hui Chen	CHEN 3581/EM	4340

23364 7590 01/11/2007  
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ALEXANDRIA, VA 22314

EXAMINER
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SEYE, ABDOU K

ART UNIT	PAPER NUMBER
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2194

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/11/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/648,229

Applicant(s)

CHEN ET AL.

Examiner

Abdou Karim Seye

Art Unit

2194

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 0827/2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

  
WILLIAM THOMSON  
SUPERVISORY PATENT EXAMINER

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This is the initial office action based on the application filed on August 27, 2003. Claims 1-10 are currently pending and have been considered below.

#### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter that the applicant regards as his invention.

Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Appropriate clarification is required on the following claims:

Claims 1-3 recite the limitation "the internal clock". There is insufficient antecedent basis for the limitation in these claims.

Claims 1 recite the limitation "the start". There is insufficient antecedent basis for the limitation in these claims.

Claims 1 and 2 recite the limitation "the limit distance". There is insufficient antecedent basis for the limitation in these claims.

Claims 1 and 5 recite the limitation "the end". There is insufficient antecedent basis for the limitation in these claims.

Claims 3 and 5 recite the limitations "the next step", "the procedure". There is insufficient antecedent basis for the limitation in these claims.

Claim 6 recites the limitations "the same time", "the detection", "the time", "the ON/OFF time". There is insufficient antecedent basis for the limitation in these claims.

Claim 6: The recited limitation "the ON/OFF time being ended" is not clear as to definite time set, which the examiner is not able to determine.

Claim 10 contains the trademark/trade name Bluetooth. Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph (*see Ex parte Simpson*, 218 USPQ 1020; Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the trademark or trade name. In the present case, the trademark/trade name is used to identify/describe a family of products generated in the proprietary communication protocol called Bluetooth and, accordingly, the identification/description is indefinite.

### **Claim Rejections - 35 USC § 103**

2. The following is a quotation of 35 U.S.C. 103 (a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-10 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Fujisawa et al. (US 6999381) in view of Chavez, Jr (US 6298240).

Claims 1 and 6: Fujisawa discloses a control method for setting up operation time of wireless connection device, by installing a wireless connection device and a driver program to a computer device, wherein said driver program having a built-in detection control software for setting a detection operation time of said wireless connection device, such that when the computer device being booted, the computer device proceeds with the processing comprising the steps of:

(a) determining if the internal clock of said computer device reaching the start of the detection operation time according to a predetermined value of the detection operation time by using said detection control software (fig. 18, 19 and 20, col. 23, lines 40-67; start of the reception operation time associated to a set time); and

(c) the detection control software determining if the internal clock of said computer device reaching the end of the detection operation time according to the predetermined detection operation time (fig. 18, col. 25, lines 10-17; end of the reception operation time);

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But he does not explicitly disclose (b) and (d): detecting within a limit distance of searching range and searching for any wireless electronic device for online connection and shutting down said wireless connection device if the end of the predetermined detection operation time is reached.

However, in the same field of endeavor Chavez, Jr. discloses the connection and communication of a wireless terminal with other wireless terminals in a ring group that includes detecting the position of a wireless terminal within a limit distance range and disconnecting the wireless connection device after the periodic check time expires (fig. 11-16). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Fujisawa's reference with Chavez's Reference in order to protect a wireless network connection against unauthorized users. One would have been motivated to design a system that would detect the position of a wireless terminal before connecting the device to the network in order to provide more functions such as roaming service to terminal client. Therefore to increase sales and profit and to improve control access on a wireless network system.

Claims 2, 4 and 7: Fujisawa further discloses that said detection operation time comprises an ON time and an OFF time, such that the detection control software controls the ON and OFF of said wireless connection device by the steps of:

(a) determining if the internal clock of said computer device reaching the ON time (fig. 16/64 J flag = 1);

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(d) determining if the internal clock of said computer device reaching the OFF time (fig. 16/64 J flag = 0) ;

But he does not explicitly discloses (b) and (c) detecting within a limit distance of searching range and searching for any wireless electronic device for online connection And shutting down said wireless connection device if the end of the predetermined detection operation time is reached.

However, in the same field of endeavor Chavez, Jr. discloses the connection and communication of a wireless terminal with other wireless terminals in a ring group that includes detecting the position of a wireless terminal within a limit distance range and disconnecting the wireless connection device after the periodic check time expires (fig. 11-16). Chavez further discloses that if said wireless connection device has detected a connectible wireless electronic device, then said wireless connection device will directly connect with said wireless electronic device; a contact established with wireless terminal (fig. 11, col. 4 lines 55-67).

Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Fujisawa's reference with Chavez's Reference in order to protect a wireless network connection against unauthorized users. One would have been motivated to design a system that would detect the position of a wireless terminal before connecting the device to the network in order to provide more functions such as roaming service to terminal client. Therefore to increase sales and profit and to improve control access on a wireless network system.

Claims 3 and 8: Fujisawa further discloses that if said internal clock of the computer device has not reached the ON time, then said detection control software will repeatedly determine whether the internal clock of said computer device has reached the ON time until the internal clock of said computer device has reached the ON time, and then continue to proceed the next step of the procedure (fig. 3, col. 12, lines 5-22; fig. 8/ ST1).

Claim 5: Fujisawa further discloses if said internal clock of the computer device has not reached the END time, said detection control software will repeatedly determine whether said internal clock of the computer device has reached the END time until said internal clock of the computer device has reached the END time, and then continue to proceed the next step of the procedure( J flag = 1, recording of the reception time has not reach the end, the time limit is adjusted until the complete received information is valid).

Claims 9 and 10: Fujisawa discloses that said wireless connection device is a wireless module complying with an infrared transmission technology; contactless IC card uses infrared transmission techonolgy or with a Bluetooth transmission technology (col. 29 lines 12-21).



### ***Conclusion***


4. The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure.

**Myojo (2002/0032748)** discloses Communication apparatus detecting method  
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Exr. Abdou Seye whose telephone number is (571) 270-1062. The examiner can normally be reached Monday through Friday from 7:30 a.m. to 4:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, contact the examiner's supervisor, William Thomson at (571) 272-3718. The fax phone number for formal or official faxes to Technology Center 3600 is (571) 273-8300. Draft or informal faxes, which will not be entered in the application, may be submitted directly to the examiner at (571) 273-6722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group Receptionist whose telephone number is (571) 272-3600.

AKS  
December 29, 2006

  
WILLIAM THOMSON  
SUPERVISORY PATENT EXAMINER  
William Thomson  
Supervisory Patent Examiner